

ARKANSAS SUPREME COURT

No. CR 08-1090

JOHN PATRICK DICKINSON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered November 20, 2008

PRO SE MOTION FOR RULE ON
CLERK [CIRCUIT COURT OF
CRAIGHEAD COUNTY, WESTERN
DISTRICT, CR 2004-959, HON. DAVID
BURNETT, JUDGE]

MOTION DENIED.

PER CURIAM

In 2005, petitioner John Patrick Dickinson was found guilty by a jury of capital murder and attempted murder in the first degree. He was sentenced to an aggregate term of life imprisonment without parole. We affirmed. *Dickinson v. State*, 367 Ark. 102, 238 S.W.3d 125 (2006). Subsequently, petitioner timely filed in the trial court a pro se petition for postconviction relief pursuant to Arkansas Rule of Criminal Procedure 37.1. The petition was denied on February 20, 2008. Petitioner timely filed a notice of appeal from the order on March 12, 2008, but he did not tender the record to this court within ninety days of the date of the notice of appeal as required by Arkansas Rule of Appellate Procedure—Civil 5(a). Now before us is petitioner’s motion seeking leave to lodge the record belatedly and proceed with an appeal of the February 20, 2008, order.

Petitioner asserts that he should be permitted to proceed with the appeal because he was unaware of procedural rules and because he wrote to the circuit clerk in an attempt to obtain the record. He further states that he wholly accepts fault for the untimely tender of the record.

The fact that an petitioner proceeding pro se accepts fault for the late tender of a record is not in itself good cause to permit the belated filing of a record. If a pro se petitioner fails to tender the record in a timely fashion, the burden is on the petitioner to make a showing of good cause for the failure to comply with proper procedure. *See Garner v. State*, 293 Ark. 309, 737 S.W.2d 637 (1987) (per curiam). Proceeding pro se does not constitute good cause for the failure to conform to the prevailing rules of procedure. *Walker v. State*, 283 Ark. 339, 676 S.W.2d 460 (1984) (per curiam); *Thompson v. State*, 280 Ark. 163, 655 S.W.2d 424 (1983) (per curiam); *see Sullivan v. State*, 301 Ark. 352, 784 S.W.2d 155 (1990) (per curiam). We have consistently held that mere lack of familiarity with procedure is not good cause for the failure to follow mandatory procedural rules. *Strawbridge v. State*, 327 Ark. 679, 940 S.W.2d 477 (1997) (per curiam); *Raines v. State*, 336 Ark. 49, 983 S.W.2d 424 (1999) (per curiam).

The purpose of the rule setting time limitations on lodging a record is to eliminate unnecessary delay in the docketing of appeals. We have made it abundantly clear that we expect compliance with the rule so that appeals will proceed as expeditiously as possible. *Jacobs v. State*, 321 Ark. 561, 906 S.W.2d 670 (1995) (per curiam) (citing *Alexander v. Beaumont*, 275 Ark. 357, 629 S.W.2d 300 (1982) (per curiam)). As it was the duty of the petitioner to tender the record to this court in a timely manner, and he has not established good cause for his failure to do so, the motion to proceed with the appeal is denied.

Motion denied.